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In re Application of:
HUDGEONS, Brandon, et al.
U.S. Application No.: 10/516,724
Int'l Application No: PCT/US03/13745
Int'l Filing Date: 01 May 2003
Priority Date: 01 May 2002
Atty Docket No.: 1590.00002
For: INTERACTIVE MULTI-MEDIA
SYSTEM

DECISION ON RENEWED
PETITION
(37 CFR 1.137(b))

This decision is issued in response to applicants' renewed petition for revival under 37 CFR 1.137(b), filed 22 July 2008. Applicants have paid the required petition fee.

BACKGROUND

In a decision mailed on 22 May 2008, applicants' petition for revival under 37 CFR 1.137(b) was dismissed for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had not submitted the "required reply" in the form of an executed declaration acceptable under 37 CFR 1.497. The decision indicated that the declaration materials filed by applicants on 22 May 2008 were an unacceptable compilation of multiple documents.

On 22 July 2008, applicants filed the renewed petition considered herein, accompanied by a revised declaration.

DISCUSSION

The four-page declaration document filed with the renewed petition is a complete document which resolves the compilation defect identified in the previous decision. However, the revised declaration is not acceptable with respect to inventors Julia HEARD and Christopher CAVELLO because the addresses for these inventors contains handwritten alterations that were not dated and initialed (see 37 CFR 1.52(c)). Any changes made in ink in the application or declaration prior to signing should be initialed and dated by the applicants prior to execution of the declaration. The Office will not consider whether non-initialed and/or non-dated alterations were made before or after signing of the oath or declaration but will require a new oath or

declaration (see MPEP 605.04(a)).¹ Therefore, a newly executed declaration is required here from Ms. HEARD and from Mr. CAVELLO.

Based on the above, the revised declaration filed 22 July 2008 is not acceptable as filed. Applicants have therefore not provided the "required reply," and the final element for a grantable petition for revival remains unsatisfied.

CONCLUSION

Applicants' renewed petition for revival under 37 CFR 1.137(b) is **DISMISSED** without prejudice for failure to satisfy all the requirements of a grantable petition.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any request for reconsideration should be entitled "Second Renewed Petition Under 37 CFR 1.137(b)" and it must include the materials required to complete the "required reply," that is, acceptable declarations executed by inventors Christopher CAVELLO and Julia HEARD.

No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration



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¹ It is noted inventor Julia HEARD initialed the altered address; however, the alteration was not dated, as also required.